



NATIONAL DAIRY COUNCIL®

November 12, 2007

Division of Dockets Management

(HFA-305)

Food and Drug Administration

5630 Fishers Lane, rm. 1061

Rockville, MD 20852

**FR Docket No. 2007N-0277 Food and Drug Administration; Food Labeling: Use of Symbols to Communicate Nutrition Information, Consideration of Consumer Studies and Nutritional Criteria; Public Hearing; Request for Comments**

Dear Sir or Madam:

The NATIONAL DAIRY COUNCIL<sup>®</sup> (NDC) submits the following comments on the docket referenced above.

The NDC is an organization that initiates and administers nutrition research, develops nutrition programs, and provides information on nutrition to health professionals and others interested in good nutrition. The NDC has been a leader in nutrition research and education since 1915.

Through its affiliated Dairy Council units, the NDC is recognized throughout the nation as a leader in nutrition research and education.

The NDC commends the United States Food and Drug Administration (FDA) for addressing the important subject of using symbols to communicate nutrition information on food labels. We appreciate the opportunity to provide insight regarding the 3-A-Day<sup>™</sup> of Dairy program which includes an on-pack logo. Both are defined by four core principles:

1. The 3-A-Day™ of Dairy approach combines a comprehensive science-based nutrition education program *with* a logo; it is not a logo alone. The logo brings attention to the value of the complete nutrition package provided by the dairy food group, while the program helps individuals to build a healthier total diet that includes dairy foods.
2. The 3-A-Day™ of Dairy program was established to address a public health issue — on average, Americans consume only about half of the three servings of dairy each day recommended by the Dietary Guidelines for Americans for optimal bone health.<sup>1</sup>
3. The 3-A-Day™ of Dairy program is approved by and executed with government oversight, is complementary to the Nutrition Facts Panel, and is guided and supported by leading health professional organizations. The 3-A-Day™ of Dairy partners include the American Academy of Family Physicians, American Academy of Pediatrics, American Dietetic Association, National Hispanic Medical Association, National Medical Association, and School Nutrition Association.
4. The message is simple, motivating, and relevant to changing consumer needs. Built upon consumer-tested communication strategies and consumers' nutritional needs, 3-A-Day™ of Dairy is designed to provide clear guidance for consumers about how to meet dairy recommendations put forth by the 2005 Dietary Guidelines for Americans and MyPyramid.

Following are responses to the questions set forth in FR Docket No. 2007N-0277:

**Questions 1-5: In what product categories are nutrition symbols used (e.g., packaged foods, fresh produce, meat/poultry, seafood)? Which symbols are nutrient specific, and which are summary symbols based on multiple nutrients? What are the nutritional criteria, including calories, included in a symbol system and how were those particular nutritional criteria chosen for inclusion? What nutrient thresholds and/or algorithms are used to determine if a food product may display a nutrient specific or summary symbol? Are nutrition symbols presented together with front label nutrition claims such as “low fat” or “good source of calcium” and, if so, to what extent and for what types of claims?**

The 3-A-Day™ of Dairy program was established to address a public health issue that Americans consume on average only about half of the three servings of dairy each day recommended by the Dietary Guidelines for Americans for optimal bone health.<sup>1,2</sup> An assessment by United States Department of Agriculture (USDA) scientists indicated that three servings of dairy a day is the most practical option to meet the majority of the public's calcium requirements, according to the Adequate Intake levels set by the Institute of Medicine. Dairy is the primary food source of calcium in the American diet and provides many other essential nutrients.<sup>3</sup>

For children in particular, two- to eight-year-olds can consume three child-size servings of milk to add up to a total of two cups, or equivalent, of dairy foods per day, as recommended by the Dietary Guidelines for Americans and the American Academy of Pediatrics.<sup>4</sup> While the American Academy of Pediatrics recommends an increase during adolescence to four servings per day, a child who learns “3-A-Day” can carry that message throughout his or her life.

The criteria for using the 3-A-Day™ of Dairy logo on food packages are straightforward, guided by both food group and single nutrient criteria, while providing many nutrients.

The 3-A-Day™ of Dairy logo can be used only on milk, cheese, and yogurt—foods from the dairy group that are excellent sources of calcium. Dairy foods provide nine essential nutrients, including not only calcium, but also potassium, phosphorus, protein, vitamins A, D and B12, riboflavin, and niacin (niacin equivalents). Dairy supplies four of the seven “nutrients of concern” for adults identified in the 2005 Dietary Guidelines for Americans (vitamin A, calcium, magnesium, and potassium) and three of the five nutrients of concern for children (calcium, potassium, and magnesium).<sup>2</sup> While consumers may perceive fortified beverages, for example, to be as healthful as milk, it is important to note the unique nutrient package that is delivered by milk and other dairy group foods beyond those offered by calcium fortified beverages and foods.

Dairy foods that carry the 3-A-Day™ of Dairy logo must contribute at least 20 percent of the daily value for calcium per serving. Calcium-fortified dairy foods must contain at least 10 percent of the daily value for calcium per serving before fortification, and at least 20 percent of the daily value for calcium per serving after fortification.

Products with the 3-A-Day™ of Dairy logo must abide by the same FDA regulations as nutrient content claim messages appearing on food labels in the marketplace. Specifically, if the food

bearing the logo exceeds criteria for total fat (13 g), saturated fat (4 g), cholesterol (60 mg), or sodium (480 mg), it must carry a disclosure statement in proximity to the logo that refers consumers to the nutrition facts panel for the specific nutrient that exceeds the criteria.

Caloric balance is of utmost importance within the context of the current obesity crisis. The simultaneous need to increase calcium consumption while reducing caloric intake emphasizes the importance of nutrient-rich dairy foods. Consumers can make informed food choices by looking at the Nutrition Facts Panel which provides information on calories, and the 3-A-Day™ of Dairy logo which provides clear guidance about how to meet dairy recommendations put forth by the 2005 Dietary Guidelines for Americans and MyPyramid. According to the 2005 Dietary Guidelines for Americans, dairy consumption is associated with improved overall nutrient intake and is not associated with weight gain.

A low-fat logo is available to manufacturers. In addition to meeting the 3-A-Day™ of Dairy logo criteria described above, use of the low-fat logo requires that the food product have no more than 3g of total fat per serving. The overall 3-A-Day™ of Dairy program utilizes communication materials that remind consumers of the availability of reduced-fat, low-fat, and fat-free milk, cheese, and yogurt. In addition, all 3-A-Day™ of Dairy recipes were created with nutrition criteria limiting total fat, saturated fat, and cholesterol. Each is an excellent source of calcium and a good source of dairy protein.

The dairy industry is working to create lower fat cheeses, but it is important to recognize there are inherent challenges to developing cheeses that meet the definition for “low-fat” and also taste good. The familiar flavor and texture of natural cheese is largely due to its fat content. To meet FDA requirements, the fat in cheese would need to be reduced by eighty-two percent, which is difficult without tradeoffs in taste and texture. While the industry continues to address these challenges, reduced-fat cheeses, such as part-skim mozzarella, continue to be healthy options for consumers looking to limit their intake of discretionary calories.

**Question 6: Are there programs to educate consumers to understand the nutrition symbols or is all information contained in the symbols? When education programs are available, how are they presented?**

Importantly, 3-A-Day™ of Dairy is a comprehensive science-based nutrition education program *with* a logo; it is not a logo alone. The components of the program include:

- Consumer outreach through media, labeling, and in-store efforts.
- Aligning with retail and manufacturer partners to promote the dairy category in retail stores, at the shelf, where decision-making happens. The 3-A-Day™ of Dairy communication, now on more than about 3 billion packages, combines nutrition information with a strong, clear call for consumer action.
- Health professional outreach and nutrition education, working with the 3-A-Day™ of Dairy health professional partners to develop and deliver educational materials to members and their patients.
- Education in schools, where the importance of dairy for bone health can be reinforced directly with kids. These efforts in schools are critical, as kids are in a calcium crisis—they need more milk, more often.

Built upon consumer-tested communication strategies and consumers' nutritional needs, the 3-A-Day™ of Dairy program is designed to provide clear guidance for consumers about how to meet dietary recommendations for dairy foods. The key to any consumer education program is a sound scientific foundation and consumer research to demonstrate it works. With these elements in place, consumers can be empowered to choose the foods that fit their taste, nutrition and calorie needs.

The 3-A-Day™ of Dairy program applies innovative approaches to nutrition communications that inspire consumers to make healthier food choices. And the program is bringing about positive changes in awareness and dairy consumption (see response to questions 7-9) by keeping it simple: We tell them why “3” is important with nutrition science and education, and we show them how to achieve “3” with the logo on nutrition education materials and packages, easy tips and great-tasting recipes.

**Questions 7-9: What are consumer attitudes toward nutrition symbols? What are consumer attitudes toward products or brands that carry a nutrition symbol compared to other products or brands in the same product category (e.g., cereals) and in other categories that do not carry such a symbol? What are consumer interpretations of symbol-carrying products or brands in terms of their overall healthfulness, specific health benefits, featured**

**nutrition attributes, non-featured nutrition attributes, quality, safety, and any other non-nutrition attributes?**

National Dairy Council dedicates comprehensive resources toward informing consumer understanding of the 3-A-Day™ of Dairy logo. These efforts include consumer outreach (through media and in-store efforts), health professional outreach and nutrition education, school education, and support for manufacturers and retailers utilizing the logo.

Consumer research conducted by NDC has revealed that the 3-A-Day™ of Dairy message is meaningful, believable, serves as a good reminder, and motivates people to make an effort to consume the recommended three servings of dairy each day.

Awareness of the 3-A-Day™ of Dairy logo has increased from nine percent in November 2003, shortly after the March program launch, to 78 percent in October 2007, in part due to use of the logo on about 3 billion packages of milk, cheese and yogurt products. Moving in the same upward trend, more mothers knew that they should get 3 servings of dairy per day in November 2006 (43%) compared to 2002 (19%).

The majority of mothers with children at home like the 3-A-Day™ of Dairy logo (61%) and would like to see more products carrying it (71%). Seventy-one percent of mothers believe that the logo provides important information, and seventy-four percent agree that the logo on food packages reinforces messages they hear on television or in other media.

Mothers with children at home who are aware of the 3-A-Day™ of Dairy logo are more likely than mothers who are unaware of the logo to understand that dairy products are important for stronger bones and to prevent osteoporosis. They are more likely to know that milk offers many important nutrients beyond calcium.

Four of five mothers think that the 3-A-Day™ of Dairy logo on a package is a good reminder that she needs 3 servings of dairy every day. And those who are aware of the 3-A-Day™ of Dairy message state a higher intention to consume and serve their families three or more servings of dairy products a day. Parental influence is important. Research indicates that when mothers drink milk regularly, their daughters do too.<sup>5</sup> Modeling healthful behavior for children really does work.

There is also evidence that consumers are getting the 3-A-Day™ of Dairy message to seek lower fat dairy options. According to research conducted by Dairy Management, Inc. (DMI), 3-A-Day™ of Dairy was responsible for 2% of milk sales (62 million gallons), 3% of cheese sales (59 million pounds) and 4% of yogurt (77 million pounds) retail sales in 2004. Furthermore, since the program was launched in 2003, USDA data has shown a decrease in whole milk sales and an increase in low-fat and fat-free milk sales. Research shows that retail sales of yogurt, most of which are low-fat and fat-free, have increased, and sales of cheese overall have increased, including sales of lower fat cheeses.

According to the International Dairy Foods Association, supermarket sales of reduced-fat, low-fat, and nonfat cheese grew by 134 million pounds between 1999 and 2005. During the same period, sales of regular cheese declined by 58 million pounds. Mozzarella, which is lower in fat than other cheeses such as Cheddar and Swiss, has overtaken Cheddar to become America's favorite cheese.

Significant time, resources, and exposure are needed for a front-of-pack logo to impact consumer behavior. The dairy industry has made the necessary investment in the 3-A-Day™ of Dairy program and logo, building upon consumer-tested communication strategies and consumers' nutritional needs. Importantly, the 3-A-Day™ of Dairy program is designed to help consumers meet the dairy food group recommendations of MyPyramid and the Dietary Guidelines for Americans. The program's recipes, menu suggestions, and educational materials emphasize fat-free and low-fat dairy, fruits, vegetables, whole grains and lean meats as part of a balanced diet. With these elements in place, consumers can be empowered to choose the foods that fit their taste, nutrition and calorie needs.

**Questions 13 and 14: When do consumers use nutrition symbols and what do they use them for? Do nutrition symbols on food labels direct consumers toward purchase of foods that bear them and, if so, to what extent?**

Before the 2003 launch of 3-A-Day™ of Dairy, only 1 in 5 mothers knew they should get 3 servings of dairy per day. Awareness among mothers doubled to 44 percent in 2004, and climbed to 52 percent by 2006. Today, mothers who are aware of the logo are more likely than mothers that aren't to understand that dairy products are important for stronger bones, to prevent

osteoporosis, and as a source of important nutrients beyond calcium. And four of five moms agree that the logo on a package is a good reminder that she needs three servings of dairy each day.

The majority of mothers with children at home like the 3-A-Day™ of Dairy logo (61%) and would like to see more products carrying the logo (71%).

Program impact can be assessed via consumption, sales, and awareness data. Consumption studies, such as the National Health and Nutrition Examination Survey (NHANES), will provide the best gauge of program impact. While the most recent NHANES data from 2004 was too close to the launch of the 3-A-Day™ of Dairy program to show change, 2007 ERS data suggests the program has contributed to an increase in dairy consumption. Specifically, the average consumption of milk, yogurt and cheese for the three years after launch (2003-2005) increased to 1.362 servings per day per person, compared to the average of 1.359 for the three years prior to the launch (2000-2002).

Sales data is also available. Many factors beyond 3-A-Day™ of Dairy contribute to dairy sales. According to research conducted by DMI, 3-A-Day™ of Dairy was responsible for 2% of milk sales (62 million gallons), 3% of cheese sales (59 million pounds) and 4% of yogurt (77 million pounds) retail sales in 2004. Furthermore, since the program was launched in 2003, USDA data has shown a decrease in whole milk sales and an increase in low-fat and fat-free milk sales. Research shows that retail sales of yogurt, most of which are low-fat and fat-free, have increased, and sales of cheese overall have increased, including sales of lower fat cheeses.

According to the International Dairy Foods Association, supermarket sales of reduced-fat, low-fat, and nonfat cheese grew by 134 million pounds between 1999 and 2005. During the same period, sales of regular cheese declined by 58 million pounds. Mozzarella, which is lower in fat than other cheeses such as Cheddar and Swiss, has overtaken Cheddar to become America's favorite cheese.

**Question 15: Do symbols affect the nutritional quality of the total diet of consumers who use the symbols and, if so, to what extent?**

As the association between dairy consumption and improved nutritional quality of the diet has been demonstrated and recognized in the 2005 Dietary Guidelines for Americans, an increase in consumption of milk, cheese, and yogurt has the potential to improve consumers' total diets.

**Question 20: Has inclusion of nutrition symbols on the labels of food products affected the sales of those products?**

According to research conducted by DMI, 3-A-Day™ of Dairy was responsible for 2% of milk sales (62 million gallons), 3% of cheese sales (59 million pounds) and 4% of yogurt (77 million pounds) retail sales in 2004. 2007 ERS data suggests the program has contributed to an increase in dairy consumption, with average consumption of milk, yogurt and cheese for the three years after launch (2003-2005) increasing to 1.362 servings per day per person, compared to the average of 1.359 for the three years prior to the launch (2000-2002).

Furthermore, since the program was launched in 2003, USDA data has shown a decrease in whole milk sales and an increase in low-fat and fat-free milk sales. Research shows that retail sales of yogurt, most of which are low-fat and fat-free, have increased, and sales of cheese overall have increased, including sales of lower fat cheeses.

According to the International Dairy Foods Association, supermarket sales of reduced-fat, low-fat, and nonfat cheese grew by 134 million pounds between 1999 and 2005. During the same period, sales of regular cheese declined by 58 million pounds. Mozzarella, which is lower in fat than other cheeses such as Cheddar and Swiss, has overtaken Cheddar to become America's favorite cheese.

The 3-A-Day™ of Dairy program is complementary to the U.S. Dietary Guidelines and can create long-term consistent, education for the public. The innovation that is fostered by a voluntary system that is consistent with food labeling regulations can more effectively inspire consumers to make healthier food choices.

It is unlikely that there is a one size fits all symbol for nutrition and we may find that there may be several that can work at the same time while educating and informing consumers. The 3-A-Day™ of Dairy results to date demonstrates the value of providing food group information on

labels in a systemic way to help communicate the recommendations of the Dietary Guidelines for Americans.

Thank you for the opportunity to comment. While we have addressed some of your questions, its clear there is a need and an opportunity for more consumer research to address all of your questions. We appreciate that FDA is studying this important matter in an effort to help consumers make informed food choices.

---

<sup>1</sup> National Health and Nutrition Survey (*NHANES*), 1999-2002.

<sup>2</sup> U.S. Department of Health and Human Services and U.S. Department of Agriculture. Dietary Guidelines for Americans, 2005. 6th Edition, Washington, DC: U.S. Government Printing Office, January 2005.

<sup>3</sup> Murphy M, Douglass J, Latulippe M, Barr S, Johnson R, Frye C. Beverages as a source of energy and nutrients in diets of children and adolescents. *Experimental Biology* 2005, Abstract # 275.4.

<sup>4</sup> Greer F, Krebs N; American Academy of Pediatrics, Optimizing bone health and calcium intakes of infants, children, and adolescents. *Pediatrics* 117(2):578-85, 2006.

<sup>5</sup> Fisher J, Mitchell D, Smiciklas-Wright H, Mannino M, Birch L. Meeting calcium recommendations status during middle childhood reflects mother-daughter beverage choices and predicts bone mineral status. *Am J Clin Nutr*, 79(4):698-706, 2004.